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12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 (SAN FRANCISCO DIVISION)

15 UNIVERSAL TRADING & INVESTMENT
16 CO., Plaintiff,

17 v.

18 PETRO MIKOLAYEVICH KIRITCHENKO, et
19 al.,
20 Defendants.

Case No.: C99-3073 MMC (EDL)

**~~[SECOND AMENDED PROPOSED]~~ ORDER
REGARDING PROPERTY SALE AND
SALE PROCEEDS AS MODIFIED**

**Courtroom E
Judge: Magistrate Elizabeth D. Laporte**

21 **ORDER**

22 Defendant's Motion to Release Attachment on the Jackson Street Property, said property
23 located at 1901 Jackson Street, San Francisco, California (Assessor's Parcel Nos. 5-601-21 and 5-
24 601-22) is hereby GRANTED as follows:

25 1. The attachment on 1901 Jackson Street ("the Property") shall be released upon
26 payment of the full contractual price for Unit 2 of the Property and close of escrow pursuant to a
27 residential purchase agreement, dated August 9, 2006, and such attachment lien with respect to Unit
28 2 of the Property shall simultaneously transfer to the proceeds of sale with all priorities intact.

29 2. A new and separate attachment shall be placed upon Unit 1 of the Property
(Assessor's Parcel Nos. 5-601-21), under the same conditions as the previous attachment on the

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1 Property.

2 3. No portion of the consideration for the purchase of Unit 2 of the Property may be paid
3 outside of escrow.

4 4. Standard escrow costs, legitimate brokers' commissions, and recorded liens having
5 higher priority than plaintiff's attachment lien may be paid out from escrow. In addition, quarterly
6 and yearly taxes, and reasonable CPA fees may be paid out of escrow. However, loans and other
7 indebtedness ~~in excess of \$10,000~~ ^{EDL} that are owed to creditors who are not "banks" (as the term is
8 defined by law) located and chartered in the United States may not be repaid from escrow unless the
9 relevant loan agreements therefore are fully disclosed to Plaintiff at least seven calendar days prior to
10 opening of escrow.

11 5. Simultaneous with the close of escrow, the net proceeds of the sale of Unit 2 of the
12 Property shall immediately be placed in a separate, blocked and frozen but interest-bearing account
13 set up as a trust for the benefit of Peter Kiritchenko at a bank (or other financial institution) located
14 and chartered (or licensed) in the United States in which no party holds a direct or indirect interest,
15 and with said bank (or financial institution) as the sole trustee. Said account must be structured to
16 prohibit the bank or financial institution from disbursing or releasing any funds without an order of
17 this Court expressly permitting each such transaction. The attachment lien held by plaintiff on the
18 Jackson Street Property shall automatically transfer and attach to this account, with all priorities
19 intact. Peter Kiritchenko shall notify plaintiff of their selection of bank (or financial institution) and
20 the type of account, and plaintiff shall have seven calendar days to object.

21 6. The trustee shall be permitted to pay quarterly and annual taxes related to the trust, as
22 well as reasonable fees to a certified public accountant in connection with the preparation of such tax
23 returns.

24 7. Nothing in this Order shall preclude defendants from appealing any part of this
25 Court's ruling on defendants' Motion to Quash Attachments, or in the Alternative, to Increase
26 Attachment Bond. In the event any court vacates said ruling of this Court, any attachment on the
27 account referenced above shall be released, and all other restrictions placed on that account shall be
28 null and void.

IT IS SO ORDERED.

Dated: November 14, 2006

